

This communication is being submitted within one month after the mailing date of the restriction requirement and, therefore, no fees should be due. However, the Assistant Commissioner is authorized to charge any fees which Applicant may have inadvertently overlooked to Deposit Account 23-1703.

REMARKS

I. Election/Restriction

The referenced application is a U.S. national application filed 23 February 2000. This application is a continuation of application number 09/094,402 filed 10 June 1998, now US Patent No. 6,117,165. A restriction requirement under 35 U.S.C. §121 was issued in the subject application. It is alleged that the subject application contains the following inventions or groups of inventions which are independent and patentably distinct:

Group I: Figures 1, 2 and 4 showing the embodiment of a first species; drawn to a stent with connecting elements.

Group II: Figures 5-7 showing the embodiment of a second species; drawn to a stent with connecting elements.

Figures 3A-3G are six subspecies showing various embodiments of the claimed invention.

With traverse, Applicant elects the invention of Group I comprising Figures 1, 2 and 4, and subspecies of Figure 3A for examination purposes.

II. Traversal of the Restriction Requirement

Applicant respectfully traverses the restriction requirement as to the inventions of Groups I and II. For the following reasons, withdrawal of the restriction requirement is requested.

Applicant respectfully submits that the embodiments of Group and Group II are directed to the same invention as defined by the recited features of the claims. It is submitted further that the only material difference between the stent of Figure 1 and the stent of Figure 5 is the distance between the connecting elements. In Figure 1, the connecting elements are separated by a half-pitch distance (See, p. 13, lines 20-22) whereas in Figure 5, the connecting elements are separated by a full pitch distance (See, p. 17, lines 4-5).

Accordingly, an examination of the invention, as defined by the claims, will encompass the species of Groups I and II. As such, there is no undue burden on the Examiner to examine both species in the present application. Therefore, in the interests of economy on behalf of the Patent Office and the Applicant, the Examiner is respectfully requested to withdraw the restriction requirement as to Groups I and II, and to search and examine the invention as illustrated by Figures 1-7 in the same application.


CONCLUSION

It is submitted that the Applicant has completely responded to the restriction requirement. For all of the foregoing reasons, withdrawal of the restriction requirement between the Figures of Groups I and II is respectfully requested.

Applicant submits that the application is in condition for allowance, which action is earnestly solicited.

Dated: 17 June 2002

Respectfully submitted,



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